

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION

MICHAEL WETHERINGTON,	:	
	:	
Petitioner	:	
	:	
VS.	:	
	:	NO. 7:05-CV-24(HL)
Warden STEVE BENTON,	:	
	:	
Respondent	:	<b><u>ORDER</u></b>

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Before the Court is petitioner **MICHAEL WETHERINGTON'S** motion for issuance of a certificate of appealability ("COA") to appeal the judgment of this Court denying his application for habeas relief under 28 U.S.C. § 2254. Under 28 U.S.C. § 2253(c), a COA may issue only if the applicant has made a substantial showing of the denial of a constitutional right.

For the reasons stated in United States Magistrate Judge Hodge's recommendation and this Court's order accepting the same, the Court finds that petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Accordingly, petitioner is **DENIED** the issuance of a COA.

**SO ORDERED**, this 5<sup>th</sup> day of July, 2006.

s/ **Hugh Lawson**  
HUGH LAWSON  
UNITED STATES DISTRICT JUDGE

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